IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.662 OF 2003

State of Maharashtra ...Appellant
(Orig.Complainant)

V/s

Vijay Harishchandra Salvi
& Ors. ...Respondents
(Orig.accused Nos.1 to 4)

Mr. B.H. Mehta, APP for the appellant - State.

None for the respondents.

CORAM: V.M.KANADE,J.

DATE: 5th October, 2004.

PC:.

1. Heard the learned for the appellant - State.

2. Appellant - State is challenging the Judgment and Order passed by the Judicial Magistrate, First Class, Pimpri in R.C.C. No.248 of 1995. The Trial Court acquitted the accused who were charged for having committed an offence punishable under sections 498-A, 323 and 506 Part-II read with section 34 of the I.P.C.

3. The case of the prosecution was that the accused and members of his family used to treat the complainant with cruelty and use to insult her or abuse her and the accused No.1 used to beat her with stick and hands. A complaint was lodged by the

father of the complainant - Jyoti @ Sandhya. The complainant's father was working as Police Sub-Inspector at the Police Station where the complaint was lodged. The complainant's father-in-law was a Police Constable. The prosecution examined the complainant and other witnesses. The Trial Court while appreciating the evidence on record has come to the conclusion that there were material contradictions and omissions made by all the witnesses and these omissions and contradictions were duly proved by the defence. So far as the injuries which were found on the person of the Complainant are concerned, the Doctor has stated that there were few contusions and that there was a possibility that the said injuries could be self inflicted. One of the independent witnesses who has been examined has stated that the father of the Complainant P.S.I. Ghag was present when his statement was recorded by the police. P.W.2 - brother of the complainant had admitted in the cross-examination that he never visited the place of his sister. Therefore, the Trial Court has observed that the evidence of P.W.5 - Dr Chabukswar, Medical Officer, P.W. 6 - the independent witness does not inspire any confidence.

4. In my view, there is no reason to interfere with the order passed by the Trial Court. I have perused the oral evidence on the basis of the copy which was supplied by the learned APP and I find that the observation and the finding of the Trial Court cannot be said to be unreasonable. Under these circumstances, leave is refused. Appeal is dismissed.

V.M. KANADE, J.